

SEPTEMBER 8, 2005

City Council Minutes

The Round Rock City Council met in Regular Session on Thursday, September 8, 2005, in the City Council Chamber, 221 E. Main Street.

CALL REGULAR SESSION TO ORDER – 7:00 P.M.

Mayor Maxwell called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE:

Mayor Maxwell led the Pledge of Allegiance.

ROLL CALL: Those members present were Mayor Nyle Maxwell, Mayor Pro-tem Alan McGraw, Councilmember Rufus Honeycutt, Councilmember Joe Clifford, Councilmember Carlos T. Salinas, and Councilmember Scott Rhode. Also present were City Manager Jim Nuse and City Attorney Steve Sheets.

CITIZENS COMMUNICATIONS:

The following individuals expressed their support of the Hotel Occupancy Tax funding request by the Sam Bass Community Theatre and outlined activities and entertainment the Theatre provides. The also expressed their concern on the requirements for funding and the recommendation from the Tourism Commission regarding the Sam Bass Community Theatre funding.

Gene Storie, 1701 Lime Rock Drive, Round Rock

Jim Prior, 1806 Pin Oak Lane, Round Rock

Lynn S. Beaver, 1831 Wells Branch Parkway, No. 411, Austin

Michael L. Johnson, 1506 Oakridge Drive, Round Rock

Clyde Olson, 105 Nautilus, Lakeway

Pat King, 3004 Live Oak Street, Round Rock spoke in support of the Hotel Occupancy Tax funding request by the Round Rock Community Choir and outlined upcoming activities for the Choir. She also expressed her concern on the requirements for funding and the recommendation from the Tourism Commission regarding the Round Rock Community Choir funding.

PROCLAMATIONS:

5.A. Consider a proclamation recognizing the Sam Bass Community Theatre for their 25 years of service to the community. Mayor Maxwell read the following proclamation and presented it to Jim Prior of the Sam Bass Community Theatre.

WHEREAS, the City of Round Rock has a heritage rich in cultural significance; and
WHEREAS, The Sam Bass Community Theatre is a non-profit organization that has operated entirely by volunteers for the last twenty five years; and

WHEREAS, in 1984 the Sam Bass Community Theatre made their permanent home in its present location at 600 Lee Street in Memorial Park in Round Rock; and

WHEREAS, The Sam Bass Community Theatre makes Round Rock a great place to live, work and visit by providing artistic opportunities for all citizens to learn about, participate in, and enjoy the arts in all its forms; and

WHEREAS, The Sam Bass Community Theatre's wide range of projects and programs strengthen Round Rock's performing arts community and bring new audiences to the arts; and

SEPTEMBER 8, 2005

WHEREAS, a wide variety of cultural theatre is offered each season, with a careful eye towards providing a well-balanced array of entertainment for all tastes and ages; and

WHEREAS, in addition to the many wonderful theatrical offerings, the Sam Bass Community Theatre also offers ongoing theater education through the Director's Workshop, Youth Guild programs and theatre summer camps to all members of the community; and

NOW, THEREFORE, I, Nyle Maxwell, Mayor of the City of Round Rock, Texas, do hereby wish to formerly congratulate the Sam Bass Community Theatre for their 25 years of service to the City of Round Rock, and urge all citizens to enjoy this wonderful experience offered in our community.

PRESENTATIONS:

6.A.1. Consider a presentation of the Tourism Commission's recommendations for Hotel Occupancy Tax funding to qualified organizations for 2005-2006. Nancy Yawn, Director of Convention and Visitors Bureau made the staff presentation. Ms. Yawn outlined the process to receive Hotel Occupancy Tax funding. Applications for 2005-06 funding were mailed to previous recipients and were advertised on the City website. The following four entities responded.

	<u>Amount Requested</u>	<u>Amount Recommended</u>
Fiesta Amistad	\$2,500	\$2,500
Palm House Museum	\$8,000	\$8,000
Round Rock Choir	\$10,000	\$7,500
Sam Bass Theatre	\$9,000	\$6,000

The Tourism Commission considered the applications and presentations on July 26, 2005.

The amount of the requests was \$29,500 and the amount recommended was \$24,000.

PUBLIC HEARINGS:

7.A.1. Consider public testimony concerning the proposed 2005-2006 Operating Budget for the City of Round Rock. Cindy Demers, Finance Director made the staff presentation for both item 7A1 and 7A2 at this point. This is the first public hearing regarding the proposed FY 2005-2006 Operating Budget. A second public hearing will be held on September 22, 2005. Additionally, the first public hearing regarding the tax rate was previously held on August 30, 2005 and a second public hearing is being held at this time. The Operating Budget consists of the General Fund, General Debt Service Fund and the Water/Wastewater Utility Fund. The proposed operating budget provides improved levels of service for a growing community balanced at the effective tax rate for the general and debt service funds; competitive water and wastewater rates for the utility fund; and enhanced salary increases for Public Safety while adhering to the City's financial policies.

The proposed tax rate of \$0.37105, which is the FY05 effective tax rate, is required to balance the FY2005-06 Operating Budget. This rate is \$0.00867 below the 2004 (FY 2004-2005) rate of \$0.37972. Under this proposal, taxes on the average homestead would decrease by \$2.68 compared with last year's taxes. Individual taxes may increase or decrease at a greater or lesser rate, depending on the change in taxable value of the individual property. (The maximum tax rate is 0.37704.) In addition, the proposed utility budget is balanced with a planned 5% average rate increase. This increase is necessary

SEPTEMBER 8, 2005

due to increasing operating costs as well as continued investment in the utility's long-term reserve water and infrastructure needs. Ms. Demers outlined the FY 2005-2006 Budget Highlights-General & Debt Service Funds, which included the following.

- 5 police officers, 4 dispatchers, 1 animal control officer, 1 administrative position for animal control
- 14 Fire positions-rescue program & temp station #7
- Economic Development funding
- Development review process improvements, 1 position
- Various departmental support positions – Planning and Library (Library will continue to stay open seven days a week)
- New Senior Activity Center
- Family Aquatic Center
- Street Maintenance Program
- Employee Performance Management
- Implementation of Salary Market Study
- Financial Management Policy

Ms. Demers also outlined a summary of FY 2005-2006 Utility Budget.

- Utility Fund is \$27 million of the Operating Budget
- Impact of BCMUD off-line
- Operating Budget Highlights
- Reserve Water Costs-Additional Reserves through 2050
- Lake Stillhouse Line Operations
- LCRA/BRA Wastewater Costs
- Employee Performance Management
- \$200 million Capital Improvement Program
- 5% water/wastewater utility rate increase proposal for FY 2006
- How Utility Projects are funded
 - Revenue bonds
 - Capital recovery (impact) fees
 - Water sewer utility rates

Mayor Maxwell opened the public hearing. There being no public testimony, the public hearing was closed.

7.A.2. Consider public testimony concerning the proposed 2005 property tax rate for the City of Round Rock. (Second Public Hearing) Cindy Demers, Finance Director made the staff presentation for this item during the public hearing for the Operating Budget. The proposed tax rate follows:

2005 (FY 2005-2006) Proposed Tax Rate (Effective) - \$0.37105
2005 (FY 2005-2006) Maximum Proposed Tax Rate - \$0.37704
2005 (FY 2005-2006) Effective Tax Rate - \$0.37105
2004 (FY 2004-2005) Tax Rate - \$0.37972

Mayor Maxwell opened the public hearing. There being no public testimony, the public hearing was closed.

7.B.1. Consider public testimony regarding an application filed by Cerco Development Inc. to rezone 20.94 acres of land out of the Ephraim Evans Survey from District LI (Light Industrial) to District PUD No. 64 (Planned Unit Development). (IKEA Tract) Jim Stendebach, Planning and Community Development Director made the staff presentation. This property was annexed and zoned industrial for the former McNeil Consumer & Specialty Pharmacy in 1979. McNeil closed several years ago and the existing McNeil buildings will be demolished this fall. On August 24, 2005, the Planning and Zoning

SEPTEMBER 8, 2005

Commission rendered a favorable recommendation to adopt the PUD with the following two conditions, which were met and incorporated into the PUD document.

1. That additional language regarding landscaping in the existing gas easement is added.
2. That the sketch accompanying the metes and bounds description for the property be corrected to show the proper ownership for an adjacent property.

This PUD is being created to accommodate the unique needs of the proposed IKEA store. The following is a summary of the PUD:

- Because the PUD will be approved prior to the purchase of the property, there is a special section that allows the current owner (McNeil) to continue to operate under Light Industrial zoning until the property is sold. Once the property is sold, the affidavit (Exhibit F) will be signed and presented to the City and the PUD will then go into effect.
- The PUD is limited to one large retail user with eating establishments and day care permitted as ancillary uses within the store. There is also a lengthy list of prohibited types of commercial uses.
- The PUD contains a section that speaks of a possible expansion of the building at some point in the future. Please note that this is simply for the sake of notification and in no way permits this expansion by right. Such an expansion would need to be reviewed by staff and presented to the P&Z and Council as a major amendment to the PUD.
- Landscaping for the site is per ordinance with the exception of additional plantings at the entry and along IH-35 and Chandler Road. A special screening wall has been added along a portion of Chandler Road to ensure that the service area is adequately screened from view. This wall will have masonry similar to what will be used for the Outlet Mall and the proposed HEB shopping center on the north side of Chandler.
- The PUD includes a customized sign package based on the typical IKEA model.
- A number of exemptions from the C-1 (General Commercial) design standards have also been included in the PUD. These exemptions are based on the size of the building, estimated to be a minimum of 252,000 square feet. (By comparison, the new Wal-Mart on Hwy 79 is roughly 200,000 square feet and the new HEB under construction at FM 1460 & Hwy 79 is 180,000 square feet)
- Utilities are required to be underground.
- Driveway access has been established in accordance with the approved Traffic Impact Analysis.
- The PUD requires lengthy throat lengths to avoid traffic congestion.
- Main circulation drive aisles are wider than Code requires (30' instead of 26') and regular drive aisles are slightly smaller (24' instead of 26'). These widths have been approved by the Development Review Committee, which includes the Fire Department, Public Works, Transportation, and Planning.

Steve Drenner and Doug Greenholtz representing IKEA and Jeff Newberg, Endeavor outlined the following.

Project Teams

- IKEA
- Endeavor Real Estate Group
- Drenner Stuart Wolff et al – Land Use Attorney
- Greenberg Farrow - IKEA Architect
- Fisher Hagood - Civil Engineer
- Hall Bargainer – Landscape Architects
- WHM – Traffic Consultants
- Jackson Walker – R.E. Attorney

2 PUD's – One Project

- 2 PUD's - Separate but integrated
- IKEA

SEPTEMBER 8, 2005

- Single user
- Unique operational
- Unique architecture
- Retail Center
 - Class A design & users

IKEA – Unique Company

- World's leading furniture/home furnishings retailer
 - 220 stores in 33 countries
 - 24 stores in the U.S.
 - 2004 U.S. sales = \$1.7 billion
- Unique Retailer
 - Product
 - Pricing
 - Shopping experience
 - Restaurant, supervised child play area

IKEA - Unique Employer

- Hourly & Management positions
- Low Turnover rates
- Industry Competitive Salaries & Wages
- Generous Benefits
 - All Co-workers have access to benefits
 - Considered Full-Time @ 20 hours
 - Health & Life insurance
 - Retirement savings plans
 - Flexible work arrangements
 - Tuition assistance
 - Store discounts
- Gateway to Global Careers

IKEA is a good neighbor/partner

- IKEA partners with national organizations
 - Habitat for Humanity
 - Save the Children
 - American Forests
 - UNICEF
- IKEA is committed to working with local community interests
 - Local contributions/volunteerism
 - Corporate philanthropy

IKEA Stores in Texas

- Houston: 1992/2004
- Frisco: 2005
- Round Rock: 3rd Texas store

IKEA - Customer Draw

- Throughout Central Texas – and beyond
- 76% outside Round Rock
- 65% outside Williamson County

IKEA - Why Round Rock?

- Texas Strategy
 - Get Close to our strong Texas customer base
- Location
 - Demographic and geographic considerations
 - IH-35
- Site works well for both Round Rock and IKEA
 - Integrated with future surrounding uses
 - Peak shopping hours are at off-peak commute hours
 - Freeway access, available land, infrastructure
- Vision, Leadership and Support

IKEA - Benefits to Round Rock

- Taxes
 - Sales taxes
 - Property taxes
- Jobs
 - Approximately 300 new jobs
 - Competitive wages
 - Generous benefits
- Destination
- Engine for surrounding uses – additional taxes & jobs

Endeavor

- Local developer
- 3,000,000 sq. ft. developed in Central Texas since 1999
- 15,000,000 sq ft of retail managed and/or leased
- High quality projects with desirable tenant mixes

Endeavor – Retail Center

- 350,000 sq ft
- Oriented toward IKEA for synergy
- Users that complement IKEA:
 - Anchors 20k – 50k sq. ft.
 - Restaurants
 - Financial institutions
- Architecture – consistent with area first-class retail developments
- Recognize importance of Chandler corridor
- High interest level with IKEA in project

Mayor Maxwell opened the public hearing. There being no public testimony the public hearing was closed.

7.B.2. Consider public testimony regarding an application filed by Cerco

Development Inc. to rezone 42.50 acres of land out of the Ephraim Evans Survey from District LI (Light Industrial) to District PUD No. 65 (Planned Unit Development). (Endeavor Tract) Jim Stendebach, Planning and Community Development Director made the staff presentation. The property was annexed into the City and zoned for industrial use (McNeil Consumer & Specialty Pharmacy) in 1979. The existing McNeil buildings will be demolished this fall. On August 24, 2005, the Planning and Zoning Commission rendered a favorable recommendation to adopt the PUD with the following four conditions:

1. That additional landscaping requirement for the Primary Access Drive be added to the PUD.
2. That the number of permitted monument signs be increased.
3. That the sketch accompanying the metes and bounds description for the property be corrected to show the proper ownership for an adjacent property.
4. Those references to the driveway exhibit in the text are changed from Exhibit D to Exhibit E.

These conditions were met and incorporated into the PUD document. Although this PUD is not as detailed as the neighboring IKEA PUD, it does contain a number of provisions to ensure that it is complementary to IKEA and appropriate for this location. The following is a summary of the PUD.

- Because the PUD will be approved prior to the purchase of the property, there is a special section that allows the current owner (McNeil) to continue to operate under Light Industrial zoning until the property is sold. Once the property is sold, the affidavit (Exhibit F) will be signed and presented to the City and the PUD will then go into effect.
- Although specific users have not been identified for the proposed shopping center, the PUD rules out a number of commercial uses deemed to be inappropriate for this location. The PUD does allow one restaurant with a drive-through window, but the location, configuration and design of such a restaurant has been addressed in the PUD to ensure that it does not detract from the overall aesthetic appeal of the shopping center.
- Landscaping for the site is per ordinance with the exception of additional plantings along the primary access drive that runs along the boundary with the IKEA site. The PUD also ensures the preservation of the Monarch Tree on site.
- The sign package proposed in the PUD differs from the standard City requirements, and in many ways will be more attractive and appealing than what would otherwise

SEPTEMBER 8, 2005

be allowed. A comparison of what is proposed versus what could be built under the Code is included with this analysis.

- The PUD requires 50% masonry using similar materials to what will be used for the Outlet Mall and the proposed HEB shopping center on the north side of Chandler Road.
- Utilities are required to be underground.
- Driveway access has been established in accordance with the approved Traffic Impact Analysis.
- The PUD requires lengthy throat lengths to avoid traffic congestion.

Mayor Maxwell opened the public hearing. There being no public testimony, the public hearing was closed.

7.B.3. Consider public testimony concerning proposed amendments to Chapter 11, Zoning, Code of Ordinances (1995 Edition), regarding loading spaces requirements. Jim Stendebach, Planning and Community Development Director made the staff presentation. These amendments attempt to resolve a number of recurring issues staff has encountered since the adoption of the Zoning Ordinance in May 2002. Staff's proposal is to establish separate screening requirements for loading spaces. This provision was not included with the 2002 adoption of the Zoning Ordinance. Instead, standards were included for loading docks only. This has proven to be problematic when reviewing surface loading spaces rather than actual elevated "docks". Currently, Section 11.501 (4) (b) (vi) (1) of the Zoning Ordinance lists screening requirements for loading docks. The requirements include the construction of a masonry wall as well as the provision of trees and shrubs. Proposed Section 11.501 (4) (b) (vi) (2) adds screening requirements for loading spaces. The requirements are triggered only when proposed loading spaces are within a street yard. The requirements include either the construction of a masonry wall or the provision of alternative screening as approved by the Zoning Administrator. In addition to the items above, the terms "loading dock" and "loading space" are further distinguished by providing a definition for loading dock. Loading space is currently defined in the ordinance glossary, but loading dock is not. Finally, a definition for "service area" is included along with this set of amendments. The existing ordinance provides special screening standards for service areas where the following items are grouped together: trash receptacles, loading docks, loading spaces, outdoor storage and mechanical equipments. The definition of service area was not included in the original ordinance.

Mayor Maxwell opened the public hearing. There being no public testimony, the public hearing was closed.

CONSENT AGENDA:

The following items were considered routine by the City Council and were enacted by one motion. There was no separate discussion on any of these items and no items were removed from the consent agenda.

SEPTEMBER 8, 2005

*9.A. Consider approval of the City Council minutes for August 25, 2005 and August 30, 2005.

*10.C.1. Consider an ordinance amending Chapter 8 of the Round Rock Code of Ordinances (1995 Edition) regarding inspection fees, electronic plats, and requirements for amending plats. (Second Reading)

*11.A.1. Consider a resolution authorizing the Mayor to execute Change Order No. 2 with H. Deck Construction Company for the 2003-2004 Wastewater Collection System Rehabilitation of three Edwards Aquifer Basins.

*11.E.1. Consider a resolution authorizing the Mayor to execute an Interlocal Agreement with the Region IV Education Service Center which sponsors The Cooperative Purchasing Network (TCPN).

*11.E.2. Consider a resolution authorizing a property tax refund to Dell Computer Holdings, L.P. for 2002 taxes in the amount of \$19,523.00. *This item was pulled from the consent agenda and addressed in its normal sequence of the regular agenda.*

*11.F.1. Consider a resolution authorizing the Mayor to execute Supplemental Agreement No. 3 to the Contract for Engineering Services with HDR Engineering, Inc. for the IH-35 Improvements Project (Chandler Road to Westinghouse).

MOTION: Councilmember Rhode moved to approve all the remaining items on the consent agenda. Councilmember Honeycutt seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

APPROVAL OF MINUTES:

*9.A. Consider approval of the City Council minutes for August 25, 2005 and August 30, 2005. This item was approved under the consent agenda.

ORDINANCES:

10.A.1. Consider an ordinance amending Chapter 10, Sections 10.100 and 10.200, of the Round Rock Code of Ordinances (1995 Edition) regarding water and sewer fees and utility billing policies. (Second Reading) Tom Clark, Utilities Director made the staff presentation. The Utility Billing Policies and Procedures are being updated to allow for cost recovery to provide services, streamline fees and rates, minimize overtime costs and bring fees in line with surrounding communities. This ordinance updates bulk water meter fees, meter deposits, charges for additional trips and fees to move bulk water meters that will allow the City to recover its cost for providing these services. Water meter deposits are being increased and residential customer's deposits will be refunded after one year's timely

SEPTEMBER 8, 2005

payment. The time required to pay a late bill is being extended and discontinuing the Medicaid Exemption is being recommended. Additional language was added to prevent the planting of plants or building structures that hamper our ability to read meters and customers will be allowed a variance for documented water leaks with a plumber's statement.

The Council and staff discussed the need to eliminate the sections concerning Medicaid Exemption and Age 65 and Older sections. Steve Sheets relayed the legality of the exempted rates.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY OF ROUND ROCK, TEXAS, CODE OF ORDINANCES (1995 EDITION), CHAPTER 10, SECTION 10.100 RELATING TO GENERAL WATER AND SEWER SYSTEM POLICIES AND SECTION 10.200, RELATING TO WATER AND SEWER RATES AND UTILITY BILLING POLICIES; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Councilmember Rhode moved to adopt the ordinance with amendment removing the sections regarding the "Medicaid Exemption" and the "Age 65 and Older" sections. Mayor Pro-tem McGraw seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Rhode Mayor Maxwell
	Nays:	Councilmember Salinas

ACTION: The motion carried with 5 ayes and 1 nay.

10.B.1. Consider an ordinance adopting the 2005-2006 Operating Budget for the City of Round Rock. (First Reading) Cindy Demers, Finance Director made the staff presentation for this item during the public hearing.

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE CITY OF ROUND ROCK, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005, AND ENDING SEPTEMBER 30, 2006, DIRECTING THE CITY SECRETARY TO FILE A TRUE COPY OF THE BUDGET WITH THE COUNTY CLERK OF WILLIAMSON COUNTY, TEXAS.

MOTION: Councilmember Honeycutt moved to adopt the ordinance. Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

10.B.2. Consider an ordinance adopting the 2005 property tax rate for the City of Round Rock. (First Reading) Cindy Demers, Finance Director made the staff presentation for this item during the public hearing.

ORDINANCE NO. _____

SEPTEMBER 8, 2005

AN ORDINANCE LEVYING TAXES FOR THE MAINTENANCE AND OPERATION OF THE MUNICIPAL GOVERNMENT OF THE CITY OF ROUND ROCK, TEXAS, AND PROVIDING FOR THE INTEREST AND SINKING FUND FOR THE YEAR 2005.

MOTION: Mayor Pro-tem McGraw moved to adopt the ordinance. Councilmember Rhode seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

10.B.3. Consider an ordinance approving the 2005-2006 Hotel/Motel Occupancy Tax

Budget. (First Reading) Cindy Demers, Finance Director made the staff presentation. The Hotel/Motel Fund is used to collect for the levy and use of the hotel-motel bed tax.

Proceeds from this tax are to be used toward the promotion of tourism and the convention and hotel industry in the City. The Hotel/Motel Budget includes operating expenditures associated with the Convention & Visitors Bureau, special event funding and debt service for Dell Diamond/United Heritage Convention Center Complex.

Hotel Occupancy Tax Fund

- FY 06 proposed budget-\$1.72 million
- Revenues
 - 7% local tax on hotel stays in Round Rock
 - Use restricted by State law-promote tourism and the convention and hotel industry
- Expenditures
 - Event funding
 - Convention and visitors bureau
 - Implementation of long-term tourism plan
 - Marketing and advertising campaign
- Capital Projects-Signage and Wayfinding
- Debt Service-Dell Diamond/Convention Center

There was discussion by the Council regarding restoring the funds originally requested by the Sam Bass Theatre and the Round Rock Community Choir.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE HOTEL OCCUPANCY TAX BUDGET OF THE CITY OF ROUND ROCK, TEXAS FOR FISCAL YEAR 2005-2006.

MOTION: Councilmember Rhode moved to adopt the ordinance. Councilmember Clifford seconded the motion.

MOTION: Councilmember Honeycutt moved that \$5,500 be transferred from the Unallocated Fund to the Arts Support Fund to allow for restoring full funding to the Round Rock Community Choir and the Sam Bass Theatre, leaving a balance of \$500 in the Unallocated Fund. Mayor Pro-tem McGraw seconded motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford

SEPTEMBER 8, 2005

Councilmember Salinas
Councilmember Rhode
Mayor Maxwell
Nays: None
ACTION: The motion carried unanimously.

The Mayor called the question to adopt the ordinance as amended.

VOTE: Ayes: Councilmember Honeycutt
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas
Nays: Councilmember Rhode
Mayor Maxwell
ACTION: The motion carried with 4 ayes and 2 nays.

*10.C.1. Consider an ordinance amending Chapter 8 of the Round Rock Code of Ordinances (1995 Edition) regarding inspection fees, electronic plats, and requirements for amending plats. (Second Reading) This item was approved under the consent agenda.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 8, SECTIONS 8.116, 8.204, 8.206, 8.207, 8.208, 8.209, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, TO AMEND THE FEE SCHEDULE; TO AMEND REQUIREMENTS FOR CONCEPT PLANS, FINAL PLATS, MINOR SUBDIVISION FINAL PLATS, REPLATS AND AMENDING PLATS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

10.C.2. Consider an ordinance rezoning 20.94 acres of land out of the Ephraim Evans Survey from District LI (Light Industrial) to District PUD No. 64 (Planned Unit Development). (IKEA Tract) (First Reading) Jim Stendebach, Planning and Community Development Director made the staff presentation for this item during the public hearing.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.305(2), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE 20.94 ACRES OF LAND OUT OF THE EPHRAIM EVANS SURVEY, ABSTRACT NO. 212, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM DISTRICT LI (LIGHT INDUSTRIAL) TO PLANNED UNIT DEVELOPMENT (PUD) NO. 64.

MOTION: Councilmember Honeycutt moved to adopt the ordinance. Councilmember Rhode seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Mayor Maxwell
Nays: None
ACTION: The motion carried unanimously.

MOTION: Councilmember Salinas moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Mayor Maxwell
Nays: None
ACTION: The motion carried unanimously.

SEPTEMBER 8, 2005

10.C.3. Consider an ordinance rezoning 42.50 acres of land out of the Ephraim Evans Survey from District LI (Light Industrial) to District PUD No. 65 (Planned Unit Development). (Endeavor Tract) (First Reading) Jim Stendebach, Planning and Community Development Director made the staff presentation for this item during the public hearing.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.305(2), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE 42.50 ACRES OF LAND OUT OF THE EPHRAIM EVANS SURVEY, ABSTRACT NO. 212, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM DISTRICT LI (LIGHT INDUSTRIAL) TO PLANNED UNIT DEVELOPMENT (PUD) NO. 65.

MOTION: Councilmember Honeycutt moved to adopt the ordinance. Councilmember Rhode seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

MOTION: Councilmember Clifford moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Mayor Pro-tem McGraw seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

10.C.4. Consider an ordinance concerning proposed amendments to Chapter 11, Zoning, Code of Ordinances, (1995 Edition), regarding loading spaces requirements. (First Reading) Jim Stendebach, Planning and Community Development Director made the staff presentation for this item during the public hearing.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 11, SECTIONS 11.501 AND 11.802, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, TO AMEND LOADING SPACE REQUIREMENTS; TO AMEND THE DEFINITION FOR "LOADING DOCK" AND ADD THE DEFINITIONS FOR "LOADING SPACE" AND "SERVICE AREA"; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

MOTION: Councilmember Rhode moved to adopt the ordinance. Councilmember Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

SEPTEMBER 8, 2005

MOTION: Councilmember Honeycutt moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

Mayor Maxwell dispensed with the order of the agenda with the unanimous consent of all the Councilmembers present and addressed the following items.

11.H.1. Consider a resolution establishing an Economic Development Program to be offered to IKEA Property, Inc. pursuant to Section 380 of the Local Government Code. Steve Sheets, City Attorney made the staff presentation. In connection with IKEA's recent announcement to open a retail store in Round Rock at the southeast corner of IH 35 and Chandler Road the City has negotiated terms for an Economic Development Program Agreement with the company. IKEA is the world's leading furniture and home furnishings retailer and will open a 252,000 square foot retail store that provides 300 jobs in as well as a 250 seat restaurant. The Economic Development Program Agreement provides financial incentive to the company to establish a store in our local market. The company provides quality jobs in that pay is competitive and full benefits including medical coverage are provided to employees working more than 20 hours per week. Additionally, the company is a destination retailer, bringing in customers from greater distances and providing needed diversity to our local sales tax base without over-burdening local government services. State law requires that for an Economic Development Program agreement to be approved an Economic Development Program must be established and the general terms outlined.

The terms of the \$380,001 Program to be offered to IKEA in exchange for IKEA's locating an IKEA retail furniture store in the City of Round Rock are as generally outlined below:

1. The City agrees to make program payments to IKEA calculated on the basis of sales tax revenues actually received by the CITY from taxable sales generated by the IKEA retail furniture store as follows:
 - a. The City will retain all of the sales tax revenues derived from the one-half cent of the tax devoted to the reduction of *ad valorem* property tax;
 - b. The City will make program payments to IKEA equal to 100% of the 1% general sales tax revenues derived from annual gross taxable sales;
 - c. The total amount of program payments to IKEA will not exceed the sum of \$5,000,000.
2. The term of the Program shall not exceed seven years.
3. The terms and provisions of the Program will be set out in more detail in an Economic Development Program Agreement.

SEPTEMBER 8, 2005

RESOLUTION NO. _____

WHEREAS, IKEA Property, Inc. ("IKEA") is one of the largest and most successful furniture retailers in the world, and

WHEREAS, IKEA has expressed to the City of Round Rock ("City") its desire to locate an IKEA retail furniture store in the City which will attract shoppers from outside of the area and provide hundreds of new jobs, and

WHEREAS, §380.001 Local Government Code provides that a municipality may establish a program ("Program") to promote local economic development and to stimulate business and commercial activity in the municipality, and

WHEREAS, the City Council has determined that the Program described in Exhibit "A" will meet the goals set forth in said §380.001 and will be of mutual benefit to both parties, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to offer to IKEA a §380.001 Program in exchange for IKEA locating an IKEA retail furniture store in the City of Round Rock, and

BE IT FURTHER RESOLVED

That the offer of the Program shall be as generally outlined in Exhibit "A" attached hereto and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 8th day of September 2005.

MOTION: Councilmember Honeycutt moved to approve the resolution.

Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

11.H.2. Consider a resolution authorizing the Mayor to execute an Economic Development Agreement with IKEA Property, Inc. David Kautz, Assistant City Manager and Steve Sheets, City Attorney and made the staff presentation.

Mr. Kautz reported that the Economic Development Program Agreement provides financial incentive to the company to establish a store in Round Rock's local market. The company provides quality jobs in that pay is competitive and full benefits including medical coverage are provided to employees working more than 20 hours per week. Additionally, the company is a destination retailer, bringing in customers from greater distances and providing needed diversity to our local sales tax base without over-burdening local government services. The agreement provides that the City will make program payments to IKEA equal to 100% of the 1% general sales tax derived from annual gross taxable sales made by the retailer. The economic development agreement between the City and IKEA will cease upon the earlier of IKEA receiving a total of \$5,000,000 from the Economic Development Agreement and the Tax Abatement Agreement or the expiration of a 7-year incentive term.

SEPTEMBER 8, 2005

Mr. Sheets outlined the following points from the Economic Development Program Agreement.

- Definitions of "One Cent Sales Tax Revenues"
- Term of the Agreement
- Economic Incentive Payments

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has established an Economic Development Program to encourage IKEA Property, Inc. ("IKEA") to locate an IKEA retail furniture store in the City, and

WHEREAS, to further promote economic development, the City wishes to enter into an Economic Development Program Agreement ("Agreement") with IKEA regarding IKEA's development of an IKEA retail furniture store in the City of Round Rock, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City, an Economic Development Program Agreement with IKEA Property, Inc., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 8th day of September, 2005.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

11.H.3. Consider a resolution authorizing the Mayor to execute a Property Tax Abatement Agreement with IKEA Property, Inc. Steve Sheets, City Attorney made the staff presentation. The Tax Abatement commences January 1 of the year immediately following the opening of the store and continues until the earlier of 7 years or upon IKEA's receipt of economic value in the aggregate of \$5,000,000 pursuant to the Abatement Agreement and the Economic Development Program Agreement. Additionally, the City will waive certain fees associated with project development as itemized in the agreement. This Tax Abatement Agreement will enable the company to establish a store in the Round Rock market.

Additionally, Mr. Sheets outlined the following points of the Tax Abatement Agreement.

- Grant of abatement
- Terms of Abatement
- Right-of-Way Dedication
- Fee Waiver
 - Landscape Inspection Fee,
 - Demolition Permit Fee,
 - Building Permit Fees,
 - Regional Detention Fee,
 - Wastewater Discharge Permit Fee,
 - Water and Sewer Line Inspection Fee
 - Subdivision Improvements Inspection Fee
- Abatement Recapture

SEPTEMBER 8, 2005

- Rendition of Fair Market Value of IDEA Tract and Facility

RESOLUTION NO. _____

WHEREAS, IKEA Property, Inc., ("IKEA") has expressed an interest in opening an IKEA retail furniture store (the "Facility") in the City of Round Rock, and

WHEREAS, IKEA is expected to purchase approximately 21.36 acres of land (the "Property") within the City as described in Exhibit "A", to be used for location of the Facility, and

WHEREAS, the City Council anticipates creating a Reinvestment Zone on the Property, pursuant to Chapter 312, Texas Tax Code, and

WHEREAS, in anticipation of the purchase of the Property by IKEA and the creation of the Reinvestment Zone, the City Manager has negotiated a proposed Property Tax Abatement Agreement ("Agreement") with IKEA, and

WHEREAS, subject to the purchase of the Property by IKEA and subject to the creation of the Reinvestment Zone on the Property, the Council wishes to authorize the Mayor to execute the Agreement, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That conditioned on and subject to (1) the purchase of the Property by IKEA and (2) the creation of a Reinvestment Zone on the Property, the Mayor is hereby authorized to execute on behalf of the City a Property Tax Abatement Agreement, a copy of which is attached hereto as Exhibit "B" and incorporated herein.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 8th day of September 2005.

MOTION: McGraw moved to approve the resolution subject to the ultimate creation of the Reinvestment Zone. Councilmember Rhode seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

RESOLUTIONS:

*11.A.1. Consider a resolution authorizing the Mayor to execute Change Order No. 2 with H. Deck Construction Company for the 2003-2004 Wastewater Collection System Rehabilitation of three Edwards Aquifer Basins. This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into a contract ("Contract") with H. Deck Construction for the Wastewater Collection System Rehabilitation of Three Edwards Aquifer Basins, and

WHEREAS, the Council has determined that it is necessary to make changes to the quantity of work to be performed or materials, equipment, or supplies to be provided, and

WHEREAS, it has been determined that it is necessary to change said Contract in accordance with the attached Contract Change Order No. 2, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Contract Change Order No. 2 to the Contract with H. Deck Construction for the Wastewater Collection System Rehabilitation of Three Edwards Aquifer Basins, a copy of said change order being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SEPTEMBER 8, 2005

RESOLVED this 8th day of September 2005.

11.B.1. Consider a resolution authorizing the Mayor to execute a Contract for Engineering Services with S.D. Kallman, LP for the Egger Acres and Dennis Drive Improvements Project. Danny Halden, City Engineer made the staff presentation. The Bond Program Committee at the request of the area's residents placed this project in the 2001 GO Bond Program. The Design portion of the Egger Acres and Dennis Drive Improvements project is funded out of the second issuance 2001 GO Bond Program. This project is targeted towards the Dennis Drive area of Egger Acres and its related drainage. The structural integrity of the pavements, the minor drainage concerns of the residential area, and difficulty to access the drainage outfall system for maintenance will be evaluated and analyzed. Solutions will be explored and contemplated to develop the most cost effective plan. That plan will be value engineered into bid/construction documents. Timely execution of the contract will assure the bid/construction documents are completed for the third issuance 2001 GO Bond Program funds that will pay for the bidding and construction phases of this project. Repairs of the City's infrastructure in this area under the Wastewater Rehabilitation Program, the City-Wide Street Maintenance Program, City-Wide Sidewalk Enhancement Program, and Water Line Maintenance Program have kept the infrastructure in this area in good condition. Therefore, major expenses in rehabilitating and up grading the underground infrastructure are not expected. This contract for engineering services is \$156,853.41.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock desires to retain engineering services for the Egger Acres and Dennis Drive Improvements Project, and

WHEREAS, S.D. Kallman, L.P. has submitted a Contract for Engineering Services to provide said services, and

WHEREAS, the City Council desires to enter into said contract with S.D. Kallman, L.P., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Contract for Engineering Services with S.D. Kallman, L.P. for the Egger Acres and Dennis Drive Improvements Project, a copy of said contract being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 8th day of September 2005.

MOTION: Councilmember Honeycutt moved to approve the resolution.

Councilmember McGraw seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

SEPTEMBER 8, 2005

11.C.1. Consider a resolution authorizing the Mayor to adopt the National Incident Management System (NIMS) as the standard for incident Management by the City of Round Rock. Larry Hodge, Fire Chief made the staff presentation. On February 28, 2003, the President of the United States issued a Homeland Security Presidential Directive (HSPD)–5 that directed the Department of Homeland Security, in cooperation with representatives of federal, state, and local government, to develop a National Incident Management System (NIMS) to provide a consistent approach to the effective management of situations involving natural disasters, manmade disasters or terrorism. The HSPD-5 requires that state and local governments adopt the NIMS by fiscal year 2005 as a pre-condition to the receipt of federal grants, contracts and activities related to the management and preparedness for certain disasters and hazard situations.

RESOLUTION NO. _____

WHEREAS, on February 28, 2003, the President issued Homeland Security Presidential Directive (HSPD)-5, *Management of Domestic Incidents*, directing the Secretary of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size, or complexity, including acts of catastrophic terrorism, and

WHEREAS, on March 1, 2004, the U.S. Department of Homeland Security presented the NIMS which establishes a core set of doctrine, concepts, principles, terminology and organizational processes to enable effective, efficient and collaborative incident management at all levels and provides the mechanisms for the further development and refinement of supporting national standards, guidelines, protocols, systems and technologies, and

WHEREAS, HSPD-5 requires all Federal departments and agencies to adopt the NIMS and make adoption of the NIMS by State and local organizations a condition for Federal preparedness assistance and receipt of federal grants, contracts and other activities beginning in FY 2005, and

WHEREAS, on February 23, 2005, Governor Perry issued Executive Order RP40 declared the NIMS to be the state standard for incident management, and

WHEREAS, the City Council of the City of Round Rock, Texas desires to adopt the standards set forth in the NIMS for incident management;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS THAT,

The City of Round Rock hereby adopts the National Incident Management System, attached hereto as Exhibit "A" and incorporated herein as its system of preparing for and responding to disaster incidents.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 8th day of September, 2005.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

SEPTEMBER 8, 2005

11.C.2. Consider a resolution authorizing the Mayor to sign an Acceptance of Offer for the purchase a Ladder Truck from Williamson County ESD #2. Larry Hodge, Fire Chief made the staff presentation. Input provided for the Fire Department's Strategic Plan shows the need for a second Ladder Truck. By having a second Ladder Truck in the City, the Fire Department would increase their water flow during structure fires and have a backup for their current Aerial Truck when it goes out of service. This Ladder Truck with be assigned to Station No. 4, which will also house Rescue 4. With this combination, Rescue 4 will be able to drive the distance to medical incidents in their assigned district in 4 minutes or less in over 80% of "in-city" EMS alarms. In addition, staffed with a Fire Department Paramedic, this crew will be able to perform advanced lifesaving support, (ALS). Another EMS alarm within the same company's district would not have a delay in response time, as the remaining Truck 4 in the quarters would be able to take that call. When responding to structure fires, these companies of Truck 4 and Rescue 4 would have the equipment and manpower to immediately go into the attack mode. The cost of the Ladder Truck is as follows:

Wells Fargo Bank, N.A.	\$514,737.84
Williamson County ESD #2 Texas	<u>\$ 4, 744.03</u>
Total Cost:	\$519,481.87

RESOLUTION NO. _____

WHEREAS, the Williamson County Emergency Services District No. 2 ("ESD") a political subdivision of the state of Texas and the owner of a 2001 Pier Ladder Fire Truck, VIN 4P1CT02S81A001807, ("Vehicle") equipped with additional items as shown on Exhibit "A", attached hereto and made a part hereof ("Equipment"), has offered to sell such Vehicle and Equipment to the City of Round Rock ("City"); and

WHEREAS, the City desires to purchase such Vehicle and Equipment from ESD; and

WHEREAS, the City may purchase the Vehicle and Equipment from a political subdivision of the state of Texas without complying with the competitive bidding requirements pursuant to Section 252.022(12)(C);

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Acceptance of Offer with Williamson County Emergency Services District No. 2, for the purchase of the above described Vehicle and Equipment, a copy of said Letter of Offer/Acceptance of Offer being attached hereto as Exhibit "B" and incorporated herein for all purposes; and

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 8th day of September 2005.

MOTION: Councilmember Clifford moved to approve the resolution. Councilmember Honeycutt seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

SEPTEMBER 8, 2005

11.D.1. Consider a resolution authorizing the Mayor to execute a Real Estate Contract with Bruce and Stephanie Johnson for the purchase of 0.131 acres for the Red Bud Lane Project. This item was addressed after the Executive Session.

11.D.2. Consider a resolution authorizing the Mayor to execute a Real Estate Contract with LaVonne Sheets and Vicki Collins for the purchase of 0.106 acres for the Red Bud Lane Project. This item was addressed after the Executive Session.

*11.E.1. Consider a resolution authorizing the Mayor to execute an Interlocal Agreement with the Region IV Education Service Center which sponsors The Cooperative Purchasing Network (TCPN). This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the City Council of the City of Round Rock, Texas has been presented a proposed Interlocal Agreement by and between the Region IV Education Service Center, which sponsors The Cooperative Purchasing Network (TCPN), and the City of Round Rock; and

WHEREAS, such Interlocal Agreement is found to be acceptable and in the best interests of the City and its citizens, with a specific finding that the purchasing program described therein will be beneficial to the taxpayers through the anticipated savings to be realized from the City's participation; and

WHEREAS, the City, pursuant to the authority granted under Sections 271.101 and 271.102 of the Local Government Code, desires to participate in the described purchasing program sponsored by the Region IV Education Service Center, which is known as The Cooperative Purchasing Network; Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

Section 1. The terms and conditions of the attached Interlocal Agreement have been reviewed by the City Council, and are found to be acceptable and in the best interests of the City and its citizens, and said terms and conditions are hereby in all things approved.

Section 2. The City Manager of the City of Round Rock, Texas, under the direction of the City Council, is hereby designated to act for the City in all matters relating to The Cooperative Purchasing Network, including the designation of specific contracts in which the City desires to participate.

Section 3. This Resolution shall become effective from and after its passage.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 8th day of September, 2005.

*11.E.2. Consider a resolution authorizing a property tax refund to Dell Computer Holdings, L.P. for 2002 taxes in the amount of \$19,523.00. This item was removed from the consent agenda and addressed at this time. Councilmember Rhode disclosed that he was abstaining from the vote and discussion on this item due to a conflict of interest and submitted the appropriate affidavit. He left the dais while Council addressed this item.

Cindy Demers, Finance Director made the staff presentation. State law requires that the governing body approve property tax refunds in excess of \$500. This refund is the result of an agreed judgment approved by the appraisal district reducing the taxable value on the 2002 tax roll. The total settlement of \$78,092 has been reduced by the previously remitted \$58,569 under the economic development agreement between the City and Dell resulting in a net refund of \$19,523.

RESOLUTION NO. _____

SEPTEMBER 8, 2005

WHEREAS, the City of Round Rock is mandated by V.T.C.A., Tax Code §31.11 to refund, upon taxpayer application to the tax collector of its taxing unit and upon verification by the auditor of its taxing unit, any overpayment or erroneous payment of taxes; and

WHEREAS, if such amount exceeds \$500.00, then the governing body of the taxing unit must also determine that the payment was erroneous or excessive and must approve the refund, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the following named taxpayer, Dell Computer Holdings, L.P. has made an overpayment or erroneous payment of 2002 taxes in the amount of \$19,523.00; that such amount is in excess of \$500.00; that such overpayment or erroneous payment has been verified by the Tax Collector; and that application for refund has been made to the Tax Collector by said taxpayers.

The Council further finds and makes a determination that the payment was erroneous or excessive; and further approves such refund in the amount of \$19,523.00.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 8th day of September, 2005.

MOTION: Councilmember Clifford moved to approve the resolution. Councilmember Salinas seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Mayor Maxwell
	Nays:	None
	Abstain:	Councilmember Rhode was out of the room when the vote was taken.

ACTION: The motion carried unanimously.

*11.F.1. Consider a resolution authorizing the Mayor to execute Supplemental Agreement No. 3 to the Contract for Engineering Services with HDR Engineering, Inc. for the IH-35 Improvements Project (Chandler Road to Westinghouse). This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into a Contract for Engineering Services ("Agreement") with HDR Engineering, Inc. for IH-35 modifications from Chandler Road to Westinghouse Road, and

WHEREAS, HDR Engineering, Inc. has submitted Supplemental Contract No. 3 to the Contract to modify the provisions for the scope of services, and

WHEREAS, the City Council desires to enter into said Supplemental Contract No. 3 with HDR Engineering, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Supplemental Contract No. 3 to the Contract with HDR Engineering, Inc., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 8th day of September 2005.

11.F.2. Consider a resolution authorizing the Mayor to execute a contract with Austin Traffic Signal Construction, L.P. for the installation of three traffic signals at Gattis School Road at Double Creek, Gattis School Road at Round Rock Ranch/Meister Lane, and Old Settlers at Sunrise Road. Tom Word, Chief of Public Works Operations made the staff presentation. Due to citizen concerns, warrant studies were completed, reviewed and

SEPTEMBER 8, 2005

approved, for the signals at Gattis School Road at Double Creek, Gattis School Road at Round Rock Ranch, and Old Settlers at Sunrise. One bid was received and opened on August 16, 2005 in the City Council Chamber. Based on the review of the bid staff recommended that the bid be awarded to Austin Traffic Signal in the amount of \$589,153.36.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has duly advertised for bids for the installation of traffic signals at the intersections of Gattis School Road at Double Creek, Gattis School Road at Round Rock Ranch/Meister Lane, and Old Settlers Boulevard at Sunrise Road, and

WHEREAS, while only one bid was received from Austin Traffic Signal Construction Company, LP, the City Council has determined that the bid is acceptable, and

WHEREAS, the City Council wishes to accept the bid of Austin Traffic Signal Construction Company, LP, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a contract with Austin Traffic Signal Construction Company, LP for the installation of traffic signals at the intersections of Gattis School Road at Double Creek, Gattis School Road at Round Rock Ranch/Meister Lane, and Old Settlers Boulevard at Sunrise Road.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 8th day of September, 2005.

MOTION: Councilmember Honeycutt moved to approve the resolution. Mayor Pro-tem McGraw seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

11.G.1. Consider a resolution authorizing the Mayor to execute Supplemental Agreement No. 1 to the Agreement with the Humane Society of Williamson County for animal boarding services. Captain Tim Ryle made the staff presentation. This contract is for a one-month extension of an existing contract with the Humane Society for pet licensing, fee collection, boarding, rabies observation, and the reclamation of impounded animals. It will allow the citizens of the City of Round Rock to continue receiving animal boarding services as the City transitions to receiving those services from the City of Pflugerville. The Police Department expects to begin using the Pflugerville Animal Shelter on November 1, 2005. The term of the contract with the Humane Society of Williamson County is from October 1, 2005 to November 1, 2005 for \$15,416.67.

RESOLUTION NO. _____

WHEREAS, the City, on February 24, 2005 entered into an Agreement with the Williamson County Humane Society, Inc. for pet licensing, fee collection, boarding, rabies observation, and the reclamation of impounded animals, and

WHEREAS, the City and the Williamson County Humane Society, Inc. now desire to extend the Agreement for a period of an additional one (1) month, so that the term of said Agreement shall expire on October 31, 2005;

SEPTEMBER 8, 2005

WHEREAS, the City Council desires to enter into Supplemental Agreement No. 1 to the Agreement with the Williamson County Humane Society, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Supplemental Agreement No. 1 to the Agreement with the Williamson County Humane Society, Inc., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 8th day of September 2005.

MOTION: Councilmember Clifford moved to approve the resolution. Councilmember Honeycutt seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell

 Nays: None

ACTION: The motion carried unanimously.

11.G.2. Consider a resolution authorizing the Mayor to execute an Agreement with the City of Pflugerville for Animal Sheltering Services. Captain Tim Ryle made the staff presentation. This contract will allow the citizens of the City of Round Rock to receive animal boarding services from the City of Pflugerville. The Police Department expects to begin using the Pflugerville Animal Shelter on November 1, at the conclusion of a one-month contract extension with the Humane Society of Williamson County. The term of this contract is November 1, 2005 to October 31, 2006 for \$84,000.00.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock desires to retain services for animal shelter operations, animal boarding, and rabies observation, and

WHEREAS, the City of Pflugerville has submitted an agreement to provide said services, and

WHEREAS, the City Council desires to enter into said agreement with the City of Pflugerville, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Agreement Between the City of Pflugerville and City of Round Rock, Texas, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 8th day of September, 2005.

MOTION: Councilmember Rhode moved to approve the resolution. Mayor Pro-tem McGraw seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell

 Nays: None

SEPTEMBER 8, 2005

ACTION: The motion carried unanimously.

11.H.1. Consider a resolution establishing an Economic Development Program to be offered to IKEA Property, Inc. pursuant to Section 380 of the Local Government Code. This item was addressed earlier in the meeting.

11.H.2. Consider a resolution authorizing the Mayor to execute an Economic Development Agreement with IKEA Property, Inc. This item was addressed earlier in the meeting.

11.H.3. Consider a resolution authorizing the Mayor to execute a Property Tax Abatement Agreement with IKEA Property, Inc. This item was addressed earlier in the meeting.

11.I.1. Consider a resolution authorizing the Mayor to execute an Agreement Releasing and Accepting Extraterritorial Jurisdiction Property by and between the City of Round Rock, Texas and the City of Hutto, Texas. Jim Stendebach, Planning Director made the staff presentation. This is the second of three agreements with Georgetown, Hutto and Pflugerville that determines the ultimate Round Rock boundary with all three cities. This agreement will exchange existing ETJ between Round Rock and Hutto. The subject areas were agreed upon by the staff of both cities and exclude any "disputed" ETJ, which is covered by a separate agreement.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock wishes to release certain real property from its extraterritorial jurisdiction ("ETJ"), and relinquish all ETJ rights in said property to the City of Hutto, and

WHEREAS, the City of Hutto wishes to release certain real property from its extraterritorial jurisdiction ("ETJ"), and relinquish all ETJ rights in said property to the City of Round Rock, and

WHEREAS, the City of Round Rock wishes to enter into an Agreement Releasing and Accepting Extraterritorial Jurisdiction Property by and between the City of Round Rock, Texas and the City of Hutto, Texas, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City said Agreement, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 8th day of September 2005.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

SEPTEMBER 8, 2005

11.1.2. Consider a resolution authorizing the Mayor to execute an Agreement Regarding Extraterritorial Jurisdiction Boundary by and between the City of Round Rock, Texas and the City of Hutto, Texas. Jim Stendebach, Planning Director made the staff presentation. This is the second of three agreements with Georgetown, Hutto and Pflugerville that determines the ultimate Round Rock boundary with all three cities. This agreement will exchange existing ETJ between Round Rock and Hutto. The subject areas were agreed upon by the staff of both cities and exclude any "disputed" ETJ, which is covered by a separate agreement.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock and the City of Hutto wish to establish extraterritorial jurisdiction ("ETJ") property boundaries between the two municipalities, and

WHEREAS, the City of Round Rock wishes to enter into an Agreement Regarding Extraterritorial Jurisdiction Boundary between the City of Round Rock, Texas and the City of Hutto, Texas to establish said EJT boundaries, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City said Agreement, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 8th day of September 2005.

MOTION: Councilmember Honeycutt moved to approve the resolution.

Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

APPOINTMENTS:

12.A. Consider Council confirmation of Mayoral appointee, Councilmember Joe Clifford, as the Council's representative to the Round Rock Chamber of Commerce Board of Directors.

MOTION: Councilmember Rhode moved to confirm the Mayor's appointee, Councilmember Joe Clifford, as the Council's representative to the Round Rock Chamber of Commerce Board of Directors. Mayor Pro-tem McGraw seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

SEPTEMBER 8, 2005

12.B. Consider one appointment to the Round Rock Housing Authority to fill an unexpired term. This appointment will fill an unexpired term. The term expires in June 2006. Applications were received from Russ Boles, Rainer Ficken, Terah O. Isiahiliza, and Yvette Caldwell-Brewer.

Mayor Maxwell opened the floor for nominations. Russ Boles was nominated.

MOTION: Councilmember Clifford moved that nominations cease. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

MOTION: Councilmember Honeycutt moved to appoint Russ Boles to the Round Rock Housing Authority by acclamation. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

12.C. Consider two appointments to the Round Rock Industrial Development Corporation to fill unexpired terms. These appointments will fill unexpired terms. The terms expire in June 2006.

MOTION: Mayor Pro-tem McGraw moved to appoint Councilmember Honeycutt and Councilmember Salinas to the Round Rock Industrial Development Corporation by acclamation. Councilmember Rhode seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

12.D. Consider one appointment to the Round Rock Health Facilities Corporation to fill an unexpired term. These appointments will fill unexpired terms. The terms expire in June 2006.

MOTION: Mayor Pro-tem McGraw moved to appoint Councilmember Honeycutt to the Round Rock Health Facilities Corporation by acclamation. Councilmember Rhode seconded the motion.

VOTE: **Ayes:** Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas

SEPTEMBER 8, 2005

Councilmember Rhode
Mayor Maxwell
Nays: None
ACTION: The motion carried unanimously.

COUNCIL COMMENTS:

Mayor Pro-tem McGraw announced that an ROTC Scholarship Fund has been established at Wells Fargo Bank in the memory of Dale Castleberry Jr.

EXECUTIVE SESSIONS:

14.A. Executive Session as authorized by §551.072 Government Code, related to the purchase of 0.131 acres of land from Bruce and Stephanie Johnson for the Red Bud Lane Project.

The Council recessed to the Executive Chamber for the Executive Session. Mayor Maxwell called the Executive Session to order for this item at 10:38 p.m. and adjourned at 10:50 p.m.

14.B. Executive Session as authorized by §551.072 Government Code, related to the purchase of 0.106 acres of land from LaVonne Sheets and Vicki Collins for the Red Bud Lane Project.

Mayor Maxwell called the Executive Session to order for this item at 10:51 p.m. and adjourned at 10:55 p.m.

11.D.1. Consider a resolution authorizing the Mayor to execute a Real Estate Contract with Bruce and Stephanie Johnson for the purchase of 0.131 acres for the Red Bud Lane Project. Steve Sheets, City Attorney made the staff presentation. This contract with Bruce and Stephanie Johnson is for right-of-way acquisition for the Red Bud Lane sidewalk project. The property owner requested \$25,000.00 for 0.131 acres. This property was appraised at \$17,349.00.

RESOLUTION NO. _____

WHEREAS, the City desires to purchase a 0.131 acre tract of land for additional right-of-way for the Red Bud Lane Project, and

WHEREAS, Bruce and Stephanie Johnson, the owners of the property, have agreed to sell said property to the City, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Real Estate Contract with Bruce and Stephanie Johnson, for the purchase of the above described property, a copy of said Real Estate Contract being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 8th day of September 2005.

MOTION: Councilmember Rhode moved to approve the resolution with the amended offer of \$20,000 for the property. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Mayor Pro-tem McGraw
Councilmember Clifford

SEPTEMBER 8, 2005

Councilmember Salinas
Councilmember Rhode
Mayor Maxwell
Nays: None

ACTION: The motion carried unanimously.

11.D.2. Consider a resolution authorizing the Mayor to execute a Real Estate

Contract with LaVonne Sheets and Vicki Collins for the purchase of 0.106 acres for the Red Bud Lane Project. Steve Sheets, City Attorney made the staff presentation. This contract with LaVonne Sheets and Vicki Collins is for right-of-way acquisition for the Red Bud Lane sidewalk project. The amount that the property owner requested for the 0.106 acres was \$15,000.00. The property was appraised at \$8,976.00.

RESOLUTION NO. _____

WHEREAS, the City desires to purchase a 0.106 acre tract of land for additional right-of-way for the Red Bud Lane Sidewalk Project, and

WHEREAS, LaVonne I. Sheets and Vicki L. Collins, the owners of the property, have agreed to sell said property to the City, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Real Estate Contract with LaVonne I. Sheets and Vicki L. Collins, for the purchase of the above described property, a copy of said Real Estate Contract being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 8th day of September, 2005.

MOTION: Mayor Pro-tem McGraw moved to approve the resolution with the amended offer of \$11,000 for the property. Councilmember Honeycutt seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Mayor Maxwell
Nays: None

ACTION: The motion carried unanimously.

ADJOURNMENT:

There being no further business, the meeting adjourned at 10:58 p.m.

Respectfully Submitted,

Christine R. Martinez, City Secretary